Office of the Commissioner for Federal Judicial Affairs

2009-2010

Report on Plans and Priorities

Minister of Justice and
Attorney General of Canada

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SECTION I – OVERVIEW

Commissioner's Message

The Office of the Commissioner for Federal Judicial Affairs (FJA) was created in 1978 to safeguard the independence of the judiciary and to put federally appointed judges at arm's length from the administration of the Department of Justice. It exists to promote the better administration of justice and focuses its efforts on providing a sound support role to the federal judiciary.

The office administers three distinct and separate components that are funded from three very distinct sources. Statutory funding is allocated for the judges' salaries, allowances and annuities and surviving beneficiaries' benefits. Voted appropriations are provided in two separate votes to support the administrative activities of the Office of the Commissioner and the administrative activities of the Canadian Judicial Council.

In terms of the Canadian Judicial Council, it is made up of the Chief Justices, Senior Judges and Associate Chief Justices of Canada. The Council acts independently in the pursuit of its mandate of fostering the better administration of justice in Canada. The Council is served by a small office and its staff reports to the Commissioner for Federal Judicial Affairs but is accountable to the Chief Justice of Canada in serving the needs of the Council. FJA provides administrative and financial support and advice to the Council in support of its mandate.

The administration of the Office of the Commissioner is structured to reflect the distinctiveness of its role in supporting federal judicial activities. Under the Program Activity Architecture, the organization is broken down into three program activities: Payments Pursuant to the *Judges Act*; Canadian Judicial Council; and Federal Judicial Affairs (FJA).

These activities strive to meet our priorities of: client services; corporate planning and reporting; communications; information management; and security.

Success in fulfilling these priorities is determined through measurement strategies which assess the level of achievement of key results. FJA prides itself in providing a consistent, high level of service to federally appointed judges.

Claude Provencher
Commissioner

Raison d'être

FJA envisions itself as a unique service provider to the Canadian judiciary, renowned for efficiency, sound management and a good working environment.

Mission Statement

We are a federal agency statutorily created to support and promote judicial independence for the benefit of the public by providing a wide range of services to the Canadian judiciary.

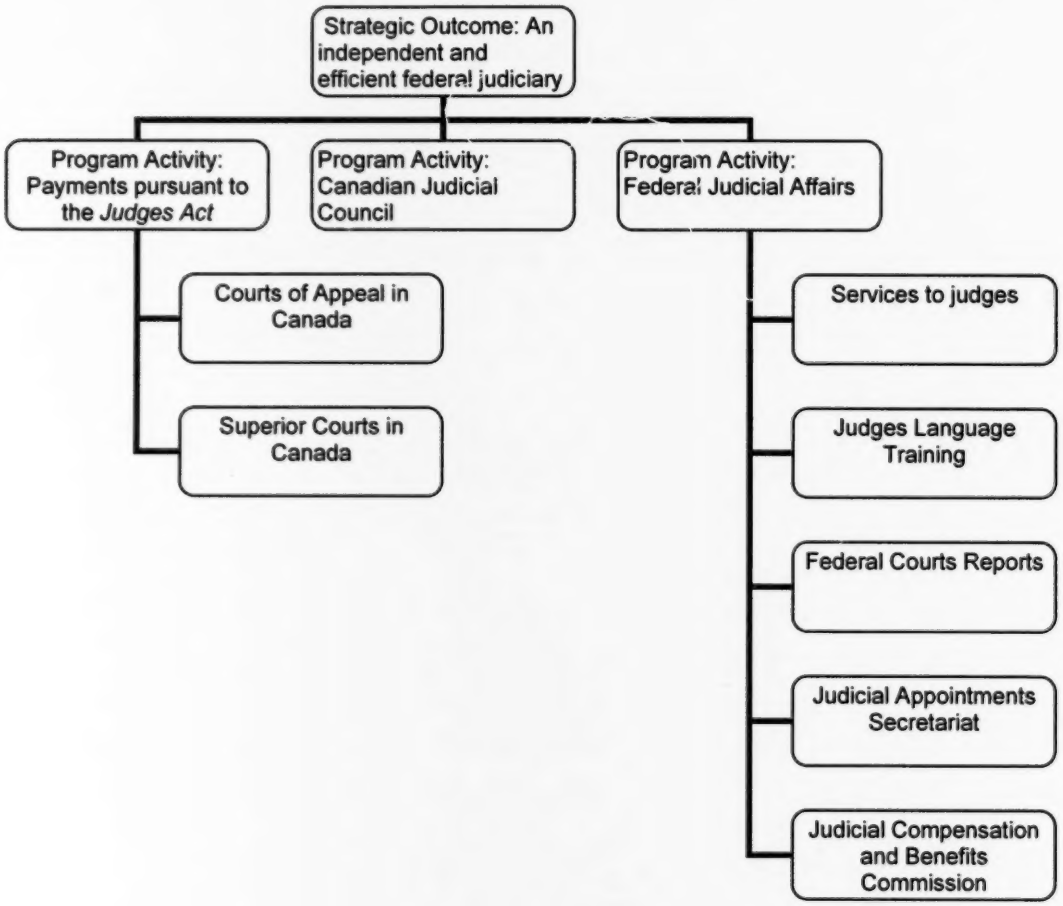
Responsibilities

Section 73 of the *Judges Act* provides for the establishment of an officer called the Commissioner for Federal Judicial Affairs who shall have the rank and status of a deputy head of a department. Section 74 sets out the duties and functions of the Commissioner.

The Office of the Commissioner :

- administers Part I of the *Judges Act* by providing judges of the Federal Court of Appeal, the Federal Court, the Tax Court of Canada and federally appointed judges of provincial and territorial superior courts with salaries, allowances and annuities in accordance with the *Judges Act*;
- prepares budgetary submissions and provides administrative services to the Canadian Judicial Council; and
- undertakes such other missions as the Minister of Justice may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

Strategic Outcome and Program Activity Architecture


Strategic Outcome: An independent and efficient federal judiciary
Program Activity: Payments pursuant to the *Judges Act*
Program Activity: Canadian Judicial Council
Program Activity: Federal Judicial Affairs
Courts of Appeal in Canada
Superior Courts in Canada
Services to judges
Judges Language Training
Federal Courts Reports
Judicial Appointments Secretariat
Judicial Compensation and Benefits Commission

Planning Summary

Financial Resources

2009-2010	2010-2011	2011-2012
$424,735,661	$438,705,182	$453,225,182

Human Resources (Full-Time Equivalents-FTE)

2009-2010	2010-2011	2011-2012
70	70	70

Strategic Outcome: An independent and efficient federal judiciary.

Performance Indicators	Targets
Compliance with service standards	90% compliance with established service standards.
Judges' view on the contribution of the Office to judicial independence	90% of Judges satisfied with the administration of the judiciary and feel it effectively contributes to their independence.

Program Activity[i]	Forecast Spending 2008-09	Planned Spending			Alignment to Government of Canada Outcomes
		2009-10	2010-11	2011-12	
Payments Pursuant to the *Judges Act*	$403,971,000	$422,282,000	$436,829,000	$451,869,000	Safe and Secure Communities
Canadian Judicial Council	$2,034,633	$1,949,481	$1,950,866	$1,934,729	Safe and Secure Communities Government Affairs
Federal Judicial Affairs	$9,579,187	$8,975,736	$8,772,644	$8,964,020	Safe and Secure World Through International Cooperation. Government Affairs
Internal Services	$1,048,000	$913,000	$913,000	$913,000	Government Affairs
Total Planned Spending	**$416,632,820**	**$434,120,217**	**$448,475,510**	**$463,680,749**	

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Client Services	Ongoing	SO 1	FJA's primary duty and responsibility is to provide all federally appointed judges with administrative support services that they require to fully carry out their judicial mandate. By listening to its clients and monitoring the judicial environment, FJA can identify the judges' needs, present and future, and effectively adjust resources and operations to meet them. FJA must also pay special attention to the needs of its other clients, i.e. pensioners and survivors, the Minister of Justice and Attorney General of Canada, the Canadian Judicial Council, Parliament, Judicial Appointments Advisory Committee members and judicial candidates, and enhance the quality of existing services when needed and offer new services where feasible.

Management Priorities	Type	Links to Strategic Outcome	Description
Corporate Planning and Reporting	Ongoing	SO 1	In response to recent requirements of the Treasury Board Secretariat, the Corporate Planning initiative has created a formal system of corporate policy development, planning, performance management and program evaluation which integrates Human Resource Planning. By having a formal system for corporate policy development, planning, performance management and program evaluation, FJA will be able to ascertain that the services it provides to judges, the Canadian Judicial Council, and to the Minister of Justice are in accordance with established policies and are effective and efficient.
Communications	Ongoing	SO 1	The goal of the Communications initiative is to improve how effectively FJA managers, employees, clients and partners communicate with each other. The primary goal is to improve and standardize internal communications throughout the various layers of the FJA organization, as well as across organizational boundaries. The Communications initiative will propose and develop needs-based communications strategies, approaches, and vehicles to improve the way knowledge and information is developed and shared among FJA managers and employees. The scope of the initiative includes collection and dissemination of administrative and related information among managers and employees. It also includes the effective use of electronic communication channels and vehicles such as e-mails, e-surveys, e-learning, as well as communication events like committee meetings and Commissioner's Town Hall meetings.
Information/ Management Systems	Ongoing	SO 1	The goal of the Information Management/Systems initiative is to improve and develop information management systems that support business programs and to improve the effectiveness of FJA's management of information, data and knowledge resource holdings. One of the expected benefits is to reduce FJA's heavy reliance on manual processes, and introduce efficiencies through the adoption of automated information transfer mechanisms. This entails the creation of integrated systems to reduce manual processes, eliminate redundant and home grown systems, and facilitate automated information transfer. The design and implementation must follow the systems development approach required in TB procedures and guidelines for the management of information systems projects.

Management Priorities	Type	Links to Strategic Outcome	Description
Security	Ongoing	SO 1	The goal of the Security initiative is to create a single point of reference for all aspects of security, including physical security of FJA clients, employees, visitors, facilities, data, information and systems and to ensure FJA is compliant with the Government Security Policy. This initiative entails all current and foreseeable FJA roles and responsibilities for providing security to individuals, information, knowledge, data, systems, equipment, and facilities. The concerns for individual security extend to the security of clients, managers, employees, visitors, partners and suppliers. The range of issues includes FJA strategies, policies, procedures, and protocols, as well as all issues of accountability, responsibility, and authority for all aspects of security.

Risk Analysis

External Environment

In recent years, our world has had to deal with dramatic challenges. While security issues raised are not new to our country, Canada's focus on and commitment to resolving them has intensified. The unprecedented emphasis the government now puts on security in all its operations is a result of this situation and is unlikely to change in the foreseeable future.

Attention must be drawn to other significant factors particular to FJA such as requests for services from provincial court judges and other key actors in the judicial community, including numerous opportunities for judicial partnerships both within and outside Canada. These new or growing priorities will continue to add to the pressure on FJA to perform better and faster and to provide new services and to enhance existing ones.

FJA recognizes that it operates within a technology-driven world economy where mandates, demands, constraints, partnerships and the unforeseen are part of the landscape, and where the government sets the national priorities and management and accountability framework.

Internal Environment

FJA's internal environment is complex, due in part to the small size of its organization, which tends to understate the importance of its role within government. With only about 70 employees, the Office serves more than 1,064 judges and 793 pensioners and survivors, 138 Advisory Committee members and between 500 and 600 applicants for judicial appointment. FJA administers a budget in excess of $400 million annually out of which judges' salaries, allowances and annuities, relocation and travel expenses are paid as well as the costs of running the Office (informatics, training, finance, administration and other related expenses). It provides other services to judges including language training. It also provides services to the legal community through the

publication of the *Federal Courts Reports* as well as services to the Minister of Justice through the operation of the Judicial Appointments Secretariat. FJA must comply with the same central agency expectations and requirements (comptrollership, management and accountability systems, etc.) as do larger departments that enjoy core, specialized resources in the fields of planning, communications, human and financial administration and evaluation.

These compelling responsibilities take a heavy toll on the human and financial resources that ought to be fully dedicated to serving the needs of FJA clients. Thus, the implementation of certain aspects of the modern comptrollership concept or the *Public Service Modernization Act*, by way of example, could be imperilled without the provision of resources.

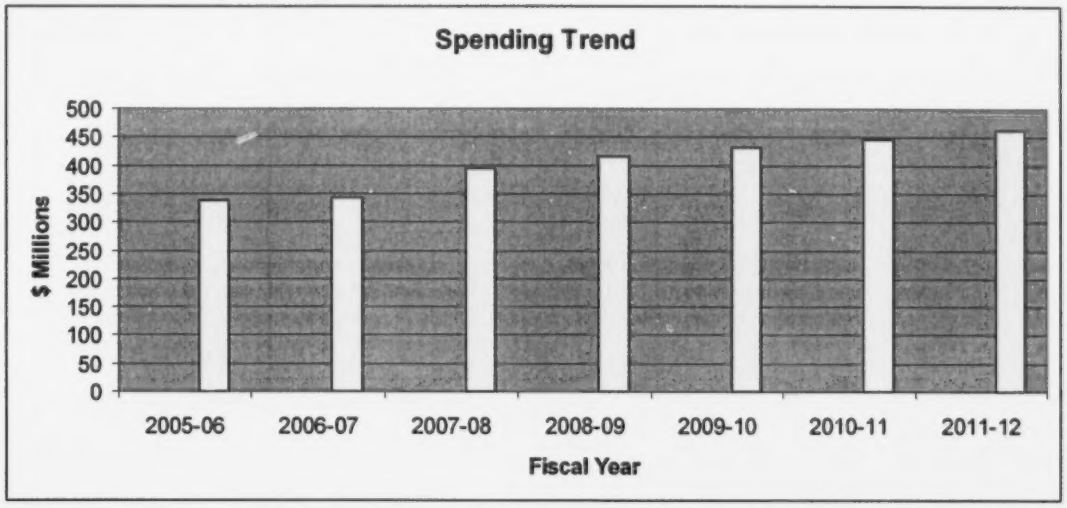
Unanimous in praising the professionalism and remarkable work of departmental employees, senior management acknowledges that there is still room for improvement in providing them with the right tools and creating a work environment conducive to optimal performance. Such an environment encompasses strong leadership based on effective, bilingual internal communication, clearly delineated responsibilities, agreed-upon expectations, staff/management training and employee participation in discussions and decisions that might have an impact on them, on their jobs or even on the future of the organization.

Short and medium-term retirement of managers and staff members may well exacerbate the Office's vulnerability. It is not unusual for small organizations that lack adequate succession planning or face employee turnover to experience sporadic organizational uncertainty.

In 1995, FJA initiated international judicial partnerships fully funded through the Canadian International Development Agency. Commencing with Ukraine, partnerships with Russia, Ethiopia, China and other countries quickly followed. FJA remains involved in promoting and facilitating participation by members of the Canadian judiciary in a number of international co-operation projects.

Expenditure Profile

Departmental Spending Trend



The total spending for the department shows a continual increase over the planning period. This increase is as a result of a provision in the *Judges Act* which allows for an annual increase in salaries to judges based on the Industrial Aggregate.

Voted and Statutory Items displayed in the Main Estimates

Vote or Statutory Item	Truncated Vote or Statutory Wording	**2009-2010 Main Estimates**	2008-2009 Main Estimates
20	Operating expenditures	**7,503,659**	7,772,000
25	Canadian Judicial Council-Operating expenditures	**1,594,000**	1,594,000
(S)	Judges' salaries, allowances and annuities, annuities to spouses and children of judges, and lump sum payments to spouses of judges who die while in office.	**414,853,000**	397,971,000
(S)	Contributions to employee benefit plan	**785,002**	824,000
	Total Department or Agency	**424,735,661**	**408,161,000**

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

An Independent and Efficient Federal Judiciary.

The following section describes the program activities of the Office of the Commissioner for Federal Judicial Affairs and identifies the expected results, performance indicators and targets for each of them. This section also explains how the department plans on meeting the expected results and presents the financial and non-financial resources that will be dedicated to each program activity.

This section will contain a discussion of plans surrounding the following Program Activities:

- Payments pursuant to the *Judges Act*
- Canadian Judicial Council
- Federal Judicial Affairs
- Internal Services

Program Activity: Payments Pursuant to the Judges Act

Payments Pursuant to the *Judges Act* **FTEs and Planned Spending**					
2009-10		**2010-11**		**2011-12**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
0	$422,282,000	0	$436,839,000	0	$451,869,000
Program Activity Expected Results		**Performance Indicators**		**Targets**	
Accurate and timely processing and validation of claims received for reimbursement of expenses in compliance with the *Judges Act* and internal guidelines governing financial management.		Percentage of expense claims processed and validated for entry into tracking system. Percentage of expense claims processed within service standard.		100% of expense claims compliant with *Judges Act* and departmental policies and guidelines. 90% of claims processed within service standard.	
Comprehensive, up-to-date and validated files are kept on all judges and their survivors.		Level of judges satisfaction with services.		80% of judges satisfied with services.	
Efficient and effective administration of Judges's compensation and benefits programs and processes.		Percentage of compensation and benefits claims processed within service standard.		90% of compensation and benefits claims processed within service standard.	

This program activity provides for the payments of salaries, allowances and annuities to federally appointed judges, and their survivors, in the Superior Trial Courts and Courts of Appeal in Canada.

The number of judges are not included in the FTE count for the Office of the Commissioner for Federal Judicial Affairs . The number of judicial positions are identified in the *Judges Act*. As of January 1, 2009 there were 1,064 federally appointed judges in Canada and there were 793 pensioners receiving a pension pursuant to the *Judges Act*.

Planning Highlights

In order to achieve the expected results the department will dedicate the required resources to ensure that federally appointed judges are provided with the highest level of service available. A client satisfaction survey is currently being done to determine and benchmark the current level of satisfaction of the judges.

Program Activity: Canadian Judicial Council

Canadian Judicial Council **FTEs and Planned Spending**					
2009-10		**2010-11**		**2011-12**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
8	$1,949,481	8	$1,950,866	8	$1,934,729
Program Activity Expected Results		**Performance Indicators**		**Targets**	
Effective functioning of Canadian Judicial Council committees.		Percentage of CJC members satisfied with the administration and support of their committees.		80% of members satisfied with secretariat support provided.	

Provide integrated support (administrative, secretariat, policy and legal research and advice) to the Council in support of its statutory mandate to foster the better administration of justice in Canada and serve as the body that oversees judicial conduct.

The role of the Canadian Judicial Council is to support the Council, its committees and its members in their carrying out of the Council's mandate. Such support includes the giving of advice, the implementation of decisions taken, and such administrative and executory functions as are necessary to the efficient and effective carrying out of that mandate.

Planning Highlights

In order to achieve the expected results the department will be reviewing the structure of the secretariat serving the members of the Canadian Judicial Council to ensure that adequate and proper resources are in place. Once the review has been completed, a Treasury Board Submission may be required to deal with the results of this exercise.

Program Activity: Federal Judicial Affairs

Federal Judicial Affairs **FTEs and Planned Spending**					
2009-10		**2010-11**		**2011-12**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
54	$8,975,736	54	$8,772,644	54	$8,964,020
Program Activity Expected Results		**Performance Indicators**		**Targets**	
1. Timely and accurate administration of the Order-in-Council process.		Percentage of Order-in-Councils submissions prepared within service standards.		90% of submissions prepared within service standard.	
2. Access to a trusted and reliable email and colaboration tool.		Percentage of time core system available to users. Percentage of judges satisfied with system.		Core systems available 98% of time on an annual basis. 75% of judges satisfied with system.	
3. Federally appointed judges have access to timely, high-quality, and cost effective language training services.		Waiting time for judges to access training services.		90% of judges have access to language assessment and training services within service standard.	
4. Timely, accurate and bilingual publishing of selected Federal Courts decisions.		Percentage of selected cases published within 10 months of the issuance of the decision.		90% of selected cases are published within 10 months of the date of issuance of the decision.	
5. Fair and expeditious administration of the Judicial Appointments process.		Percentage of applications screened and referred to Advisory Committees in a timely manner.		95% of applications reviewed and verified within service standard.	

These FTE's represent employees of the department who are responsible for the day-to-day operations of the department and to provide administrative services to federally appointed judges including language training, publishing of the *Federal Courts Reports*, and services to the Minister of Justice through the Judicial Appointments Secretariat. These also provides support to the judiciary in the areas of finance, human resources, administration and information management.

Planning Highlights

In order to achieve the expected results a review of the existing Information Management systems will be undertaken with the objective of determining the best way to update the existing systems so that they are using current technologies.

During the course of the planning year, half of the existing Judicial Appointments Committees will have new members. Training of these new members will be undertaken to ensure that they are familiar with the process.

Program Activity: Internal Services

Internal Services FTEs and Planned Spending					
2009-10		2010-11		2011-12	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
8	$913,000	8	$913,000	8	$913,000
Program Activity Expected Results		**Performance Indicators**		**Targets**	
1. Resources are allocated and expended in a cost effective manner in accordance with the department's Strategic Plan.		Departmental lapse of resources.		Annual budgetary lapse under 5%.	
2. Department successfully attracts and retains the right people at the right time to meet its current and future business needs.		Percentage of staff and management satisfied with Human Resource Services.		80% of staff and management are satisfied with the Human Resource Services.	
3. A model workplace.		Percentage of staff satisfied with the organization.		80% of staff are satisfied with the organization.	
4. Information technology tools are available to meet departmental needs.		Percentage of time the systems are available to users.		Core systems available 98% of the time on an annual basis.	

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of the organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across the organization and not to those provided specifically to a program.

Results for Canadians

Under the Canadian Constitution, the judiciary is independent from the executive and legislative branches of government. Judicial independence is intended to ensure that judges make decisions free of influence, based solely on the facts and the law. Once appointed, a judge is eligible to serve on the bench until retirement (age 75 for federally appointed judges). Judges must also receive adequate remuneration in such a manner that does not leave them in a position of dependence or subject to pressure. In Canada, governments cannot change judges' salaries or benefits or remove judges from office without going through an appropriate, independent procedure.

SECTION III – SUPPLEMENTARY INFORMATION

List of Supplementary Information Tables

The following tables can be found on the Treasury Board Secretariat website

Services Received without Charge
Sources of Respendable and Non-respendable Revenue

Office of the Commissioner for Federal Judicial Affairs
99 Metcalfe Street, 8th Floor
Ottawa, Ontario
K1A 1E3
Telephone: (613) 992-9175
Facsimile: (613) 995-5615

World Wide Web: http://www.fja.gc.ca/